

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES EX REL FREDERICK)
BANKS,)
Plaintiff)
vs.) Civil Action No. 06-1424
Magistrate Judge Amy Reynolds Hay
ARAMARK CORRECTIONAL SERVICES)
ARAMARK CORPORATION; ARAMARK)
SERVICES MANAGEMENT OF PA INC.;)
RAMON RUSTIN; MARY C. RUBIN;)
DANA PHILLIPS; ALLEGHENY)
COUNTY CORRECTIONAL HEALTH)
SERVICES; ALLEGHENY COUNTY)
HEALTH DEPARTMENT; COUNTY OF)
ALLEGHENY; PENNSYLVANIA;)
UNKNOWN NAMED POSTMASTER,)
Defendants)

ORDER

AND NOW, this 15th day of August, 2008, after the Plaintiff, Frederick Banks, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until August 11, 2008 to file written objections thereto, and objections to the report and recommendation having been filed by plaintiff which are without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the above-captioned case is dismissed pursuant to the authority granted courts by the Prison Litigation Reform Act (PLRA) for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "G L Lancaster", written over a horizontal line.

GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Frederick Banks
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